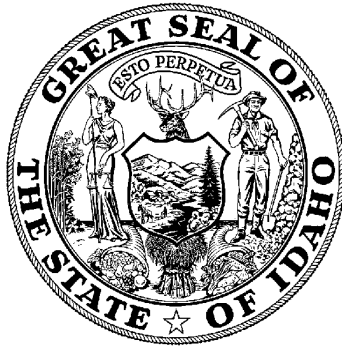


# STATE OF IDAHO



## DIVISION OF PURCHASING

Request for Proposals  
**EVALUATOR'S  
HANDBOOK**

Dirk Kempthorne, Governor

Department of Administration  
Pam Ahrens, Director

Division of Purchasing  
Jan Cox, Administrator

5569 Kendall Street  
P.O. Box 83720  
Boise, Idaho 83720-0075  
(208) 327-7465  
FAX (208) 327-7320

<http://www2.state.id.us/adm/purchasing>

**SEPTEMBER 2003**

**REQUEST FOR PROPOSAL  
EVALUATOR'S HANDBOOK**

**Table of Contents**

	<u>PAGE</u>
1. Evaluation and Award Procedure	2
2. Evaluation team Makeup	3
3. Duties of the Evaluation team Proctor	4
4. Instructions for Evaluators	4
Do's and Don'ts	5
Conflict of Interest	5
5. Evaluation Tabulation	6
6. Discussions and Best & Final Offer	7
Purpose of Discussions	7
Conduct of Discussions	7
7. Negotiations	8
8. Contract Award	9
9. Conflict of Interest and Confidentiality of Information Statement	9-11

Your willingness to participate as an RFP evaluator is an integral part of the procurement process. The Department of Administration, Division of Purchasing truly appreciates your assistance and expertise.

Your designation as an RFP evaluator for the Division of Purchasing, and as a public servant thereby, requires that you fully understand the policies regarding potential conflicts of interest and the confidential nature of the proposals and all that is contained therein. The following information provides a general overview of evaluations and outlines how the evaluation process is conducted.

## **1. EVALUATION AND AWARD PROCEDURE**

Evaluation and Award Procedures can vary from proposal to proposal, but typically follow these steps:

- The evaluation proctor or proctor convenes a meeting of the evaluation team and distributes copies of proposal responses, scoring forms and instructions to team members. The cost or pricing portion of the proposal is removed from the copies and not given to team members at this time. Team members are prohibited from discussing the contents of proposals with persons not directly associated with the solicitation. The proctor instructs team members to independently review and score the proposals.
- If references or financial statements were required in the proposal, the proctor will assign someone to call and document reference responses. Another person is assigned to review financial statements and prepare a report on each company offering a proposal.
- The evaluation team, after independently scoring each proposal, meets to discuss the scores each of the members has assigned. During discussions, members hear the rationale of other team members for their scoring. Team members may adjust their scoring at this time based on what is heard at this meeting. Results of reference checks and financial capabilities are also discussed by the team. Evaluation scores are totaled and proposals ranked. Top ranked proposals are selected for further evaluation. Unacceptable proposals are eliminated from further consideration.
- If oral presentations or demonstrations are part of the evaluation process, each finalist is individually invited to make a presentation to the evaluation team. Questions and answers and discussions regarding the offeror's technical proposal are allowed. The team will hear all oral presentations and will assign scores by consensus. This score is added to the other scores to determine a new ranking of proposals.

- If Best and Final Offer is to be used in the evaluation and award process, only those top ranked proposals that are found to be acceptable or have the potential of being acceptable are considered. In the Best and Final Offer, the proctor and team members (or selected team members) hold discussions with offerors to facilitate and encourage them to offer their best proposals, by amending their original offer, if needed.
- After receiving Best and Final Offers the evaluation team may again be asked to review and re-score the proposals. Normally only one Best and Final Offer is conducted, but, in the best interests of the state, multiple rounds may be conducted.
- After all evaluation scoring is completed, the proctor opens the cost portion of the proposal and adds it to the scoring criteria, producing a final ranking of proposals. The evaluation team reviews the final ranking and all scores and makes a recommendation to the proctor (or Division of Purchasing official if not the same person) on which proposal appears to be the best value to the state.
- The actual award will be made by the Division of Purchasing in conjunction with the recommendation of the evaluation team and the requesting agency. If allowed by the original Request for Proposal, negotiations can be conducted with offerors before a final award is made. Negotiations take place with the apparent best value responsive and responsible offeror (highest scoring). If the parties are unable to come to a final agreement, negotiations are conducted with the next highest scoring offeror, and so forth. Negotiations may be conducted on any portion of the proposal, but may not materially alter the criteria, specifications, or scope of work of the original proposal.
- After negotiations are complete, the Division of Purchasing will issue an Intent to Award notification to all unsuccessful offerors advising them of the award decision. The Division of Purchasing will issue the final contract document.
- A complete record of the evaluation and award process including all scoring forms, notes, memoranda, reference check forms, and any other documents relating to the team's deliberations are given to the proctor and included in the proposal evaluation file maintained by the Division of Purchasing. All copies of proposals used by the evaluation team are to be returned to the proctor.

## **2. EVALUATION TEAM MAKEUP**

The evaluation team is a group of individuals chosen to evaluate a specific Request for Proposal. The team is generally made up of purchasing officials,

agency end users, and others with expertise or knowledge of the service or goods being proposed. In most cases the evaluation team proctor is a representative from the Division of Purchasing. No person who might have a potential conflict of interest regarding financial interests or prejudice through current or past association or relationship with a proposal offeror should serve on the evaluation team.

### **3. DUTIES OF THE EVALUATION TEAM PROCTOR**

The proctor has the responsibility to assure that evaluations are conducted in a fair and impartial manner and that complete records of the evaluation process are kept. The evaluation proctor has the responsibility to do the following:

- Separate the technical and cost portions of the RFP and keep the cost portion till after the team is finished evaluating the technical portion.
- Make sure that all evaluators understand how the criteria of the RFP is to be evaluated and the procedures to be followed.
- Serve as proctor for all meeting of the evaluation team and keep records of all evaluation discussions, forms, recommendations, and other activities.
- Open cost proposals, assign points, total points for technical and cost portions, and list offers in sequential order according to points scored.
- Conduct or be present at any discussions with offerors. Conduct and tabulate best and final offers and negotiations or schedule re-evaluation if necessary.

### **4. INSTRUCTIONS FOR EVALUATORS**

- Evaluators are instructed to not discuss any part of the proposals outside of the evaluation team members.
- For uniformity in scoring, the evaluators are to use the evaluation form supplied. Only criteria identified in the RFP and included on the evaluation form can be considered for evaluation.
- Evaluators are to score the Technical Proposal and/or Business Proposal separately and individually. Comments by evaluators must be written next to each evaluation criterion. All scores which reflect a low ranking must be supported by rational and sufficient documentation to substantiate the evaluator's judgement.

- The team as a whole will discuss the findings of each member and develop a composite score for each proposal after the evaluators have evaluated the proposals separately. If it is apparent that one or more evaluator score differs greatly from the majority, the team should discuss the situation to be sure the criteria was clear to all. If an evaluator feels at this point that he did not understand the criteria or did not understand the criteria or part of the proposal, he may at his discretion revise his evaluation, date and initial the change. All evaluation forms are turned in to the proctor and become a part of the public record.

Some simple Do's and Don'ts for Evaluators:

<b><u>Do's</u></b>	<b><u>Don'ts</u></b>
<ul style="list-style-type: none"> <li>• Do evaluate each proposal independently, then as a team.</li> </ul>	<p>Don't confer with other team members concerning a particular proposal until after you have first evaluated it independently.</p>
<ul style="list-style-type: none"> <li>• Do record the detailed rationale for scoring each proposal.</li> </ul>	<p>Don't use vague or contradictory statements in your evaluation rationale.</p>
<ul style="list-style-type: none"> <li>• Do ask the evaluation proctor or the Division of Purchasing for guidance or any question you may have.</li> </ul>	<p>Don't discuss the evaluation scores with non-team persons or offerors prior to award. If you get an inquiry from an offeror, your response should only indicate that you are in "the evaluation process." Any direct questions should be directed to the Division of Purchasing.</p> <p>Don't assume. If you have a question, ask.</p>

### Conflict of Interest

A conflict of interest exists whenever there is a situation in which an evaluation team member, advisor, or consultant may have a financial or other interest or prejudice through current or past association or relationship with any responding offeror. Any individual who believes a potential conflict of interest exists must inform the Division of Purchasing through the evaluation team proctor. The member may be removed from

the evaluation team or asked to sign a letter indicating the potential conflict (see Section 10). Any such letter will be made part of the public record regarding the evaluation of the proposals.

## **5. EVALUATION TABULATION**

- Results are tabulated and averaged by the proctor and relative weighting applied. A composite score is obtained for each proposal.
- Offerors are ranked technically in descending order.
- The cost proposals are reviewed and points assigned to each proposal.

NOTE: The Idaho Reciprocal Preference Law (I.C. 67-2349) must be considered when reviewing cost proposals. This law applies to any department, division, bureau or agency thereof, city, county, school district, irrigation district, drainage district, sewer district, highway district, good road district, fire district, flood district, or other public body that solicits competitive bids

Some states and countries provide a preference for vendors within their borders and add a percentage to bids received from outside states. Where that happens, the State of Idaho responds (reciprocates) in like manner by adding the same percentage to bids received from vendors who are “domiciled” in those states or countries. This applies to the purchases of materials, supplies, equipment, or services.

In determining the lowest responsible bidder, a percentage increase should be added to each out-of-state bidder’s bid price which is equal to the percent of preference given to local bidders in the bidder’s home state. That is, if the low bidder is from a state that grants a 10 percent preference to its own in-state bidders, the Idaho agency must add 10 percent to that bidder’s price when evaluating the bid. It is only applied to bid evaluations when comparing bids from Idaho “domiciled” vendors with bids from out-of-state vendors with a preference in their state. There is no need to apply any percentage when comparing one out-of-state bid with another out-of-state bid. In no instance will the increase (penalty percentage) actually be paid to a vendor whose bid is accepted.

Information on state and country preferences is available at the Division of Purchasing web site ([www2.state.id.us/adm/purchasing](http://www2.state.id.us/adm/purchasing)) and in the State of Idaho Purchasing Reference Guide.

- Technical, Managerial and Staff Capability, and Cost are combined to determine total points for each proposal.

- Evaluation Score Sheets become part of the RFP file and are considered public information.

## **6. DISCUSSIONS AND BEST AND FINAL OFFER**

After scoring the proposals, the evaluation team may determine that the proposals need further clarification and possible revision. Usually this happens because the RFP was not clear in communicating the needs of the state or all offerors responses in a particular area were unclear. If it clearly is in the best interests of the state, discussions with offerors and requests for Best and Final Offers are allowed. The following procedures must be followed.

After the proposals have been scored, they classified as acceptable, potentially acceptable (that is reasonably susceptible of being made acceptable), or unacceptable. Discussions with offerors are only conducted with proposals determined as being acceptable or potentially acceptable. After discussions are concluded it may be necessary to reunite the evaluation team and rescore the proposals.

- Purpose of Discussion: Discussions are held to facilitate and encourage an adequate number of potential offerors to offer their best proposals, by amending their original offers, if needed. It is important to note that discussions are not negotiations, merely face-to-face meetings to obtain clarification (s) of the proposals.
- Conduct of Discussions: All offerors must be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. Procedures and schedules for conducting discussions should be established. If during discussions there is a need for clarification or change of the Request for Proposals, it shall be amended to incorporate such clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information derived from competing proposals are prohibited. Any oral clarification or change of a proposal shall be reduced to writing by the offeror.
- Best and Final Offer: A time and date for submission of best and final offers must be set. Best and final offers shall be submitted only once unless there is a written determination before each subsequent round of best and final offers demonstrating another round is in the agency's interest, and additional discussions will be conducted or the agency's requirements will be changed. Otherwise, no discussion of, or changes in, the best and final offers shall be allowed prior to award. Offerors shall also be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.



## 7. NEGOTIATIONS

Negotiations in the Request for Proposal process generally take place after oral interviews, evaluations, discussions, and Best and Final Offers and are the last step in the procurement process. Negotiations are used when it has been determined that more than one (1) offeror has submitted an acceptable proposal and negotiations could secure advantageous terms or a reduced cost for the state.

Negotiations are permitted subject to the following:

- The solicitation must specifically allow for the possibility of negotiation and describe, with as much specificity as possible, how negotiations may be conducted;
- Submissions shall be evaluated and ranked based on the evaluation criteria in the solicitation;
- Only those vendors whose proposals or bids are determined to be acceptable, in accordance with criteria for negotiations set forth in the solicitation, shall be candidates for negotiations;
- Negotiations shall be conducted first with the vendor that is the apparent low responsive and responsible bidder;
- Negotiations shall be against the requirements of and criteria contained in the solicitation and shall not materially alter those criteria, the specifications or scope of work;
- Auction techniques (revealing one vendor's price to another) and disclosure of information derived from competing proposals is prohibited;
- Any clarifications or changes resulting from negotiations shall be documented in writing;
- If the parties to negotiations are unable to agree, the administrator shall formally terminate negotiations and may undertake negotiations with the next ranked vendor; and
- If negotiations as provided for in this rule fail to result in a contract, as determined by the administrator, the solicitation may be cancelled and the administrator may negotiate in the best interest of the state with any qualified vendor.

## **8. CONTRACT AWARD**

After discussions and best and final offer if used, the proctor of the evaluation team will tabulate and submit award recommendation to the agency and Division of Purchasing. The Division of Purchasing makes all final decisions will produce all final contract documents.

## **9. CONFLICT OF INTEREST AND CONFIDENTIALITY OF INFORMATION STATEMENT**

The following two pages contain the standard conflict of interest and confidentiality of information statement form.

## **REQUEST FOR PROPOSALS (“RFP”) EVALUATORS CONFLICT OF INTEREST AND CONFIDENTIALITY OF INFORMATION STATEMENT**

Your willingness to participate as an RFP evaluator is an integral part of the procurement process. The Department of Administration, Division of Purchasing truly appreciates your assistance and expertise.

Your designation as an RFP evaluator for the Division of Purchasing, and as a public servant thereby, requires that you fully understand the policies regarding potential conflicts of interest and the confidential nature of the proposals and all that is contained therein.

**Confidentiality.** The competitive procurement process and the obligations imposed by Idaho law require the Department of Administration to ensure that the competitive process operates in a fair and equitable manner. As an RFP evaluator, you have access to information not generally available to the public and are charged with special professional and ethical responsibilities. You may have access to information about bidders that is to be used only during the evaluation process, and for discussion only with fellow evaluators and appropriate department personnel. You shall not discuss the evaluation, scoring, or status of any proposal or any action effecting any proposal with any person, firm, corporation, or other outside business entity at any time prior to, during, or after the procurement process. You shall not use such information obtained as an RFP evaluator for any personal benefit, pecuniary or otherwise, nor copy and/or disseminate any portion of any proposal at any time prior to, during, or after the procurement process.

**Confidentiality of Evaluators.** During the evaluation process, the Department of Administration makes every effort to keep the identity of evaluators confidential and will maintain that confidentiality to the fullest extent provided by law. As an evaluator, you shall not discuss or reveal the names of evaluators with or to bidders or other individuals.

**Conflict of Interest and Ethical Considerations.** A conflict of interest or the appearance of a conflict of interest may occur if you are directly or indirectly involved with an organization that has submitted a proposal for evaluation. Prior to reviewing any proposals, you must inform the Division of Purchasing of any potential conflicts of interest or the appearance thereof. If you become aware of any potential conflict of interest as you review a proposal, you must immediately notify the evaluation committee chair or the Administrator of the Division of Purchasing. You may be disqualified as an RFP evaluator if you conduct yourself in a way that could create the appearance of bias or unfair advantage with or on behalf of any competitive bidder, potential bidder, agent, subcontractor, or other business entity, whether through direct association with contractor representatives, indirect associations, through recreational activities or

otherwise. Examples of potentially biasing affiliations or relationships are listed below:

1. Your solicitation, acceptance, or agreement to accept from anyone any benefit, pecuniary or otherwise, as consideration for your decision or recommendation as it pertains to your evaluation of any proposal.
2. Your affiliation with a bidding company or institution. For example, a conflict may exist when you:
  - (a) are employed by or are being considered for employment with the company or institution submitting any bid or hold a consulting, advisory, or other similar position with said company or institution;
  - (b) hold any current membership on a committee, board, or similar position with the company or institution;
  - (c) hold ownership of the company or institution, securities, or other evidences of debt;
  - (d) are currently a student or employee in the department or school submitting a proposal, such as the case.
3. Your relationship with someone who has a personal interest in the proposal. This includes any affiliation or relationship by marriage or through family membership, any business or professional partnership, close personal friendship, or any other relationship that you think might tend to affect your objectivity or judgment or may give an appearance of impropriety to someone viewing it from the outside the relationship.

I have read this document and understand my obligations as explained herein. I further understand that I must advise the Division of Purchasing if a conflict currently exists or arises during my term of service as an RFP evaluator. I further understand that I must sign and deliver this statement to the Division of Purchasing prior to participating in the evaluation process.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)